

HOUSE No. 279

By Mr. Galvin of Canton, petition of William C. Galvin for legislation to grant creditable service to non-public school teachers for retirement purposes. Public Services.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO CREDIT FOR NONPUBLIC SCHOOL SERVICE FOR CERTAIN MEMBERS OF THE STATE RETIREMENT SYSTEM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 3 of chapter 32 of the General Laws is hereby amended
2 by striking out subdivision (4A), amended by section 63 of
3 chapter 60 of the acts of 1994, and inserting in place thereof the
4 following subdivision:—
5 (4A) Credit for Nonpublic School Service.— Any member in
6 service, or any member inactive on authorized leave of absence of
7 the teachers' retirement system or the state retirement system,
8 who holds a certificate issued by the department of education or is
9 exempted from the requirement of certification or any member
10 who is employed in a public institution of higher education as a
11 faculty member or professional employee not under the jurisdic-
12 tion of the department of personnel administration classification
13 system or any member who is employed by a public school in the
14 commonwealth and who was previously engaged in teaching
15 pupils or was previously an administrator or a school nurse in a
16 non-public school prior to January first, nineteen hundred and
17 seventy-three, may, before the date any retirement allowance
18 becomes effective for him, pay into the annuity savings fund of
19 the system in one sum, or in installments, upon such terms and
20 conditions as the appropriate board may prescribe, an amount
21 equal to that which would have been withheld as regular deduc-
22 tions from his regular compensation for such previous period, or

23 most recent portion thereof, as he may elect, had such service
24 been rendered in a public school of the commonwealth and had he
25 been a member of the teachers' retirement system during the
26 period such service was rendered. Payment shall not be made and
27 no credit shall be allowed for service in nonpublic schools in
28 excess of the total Massachusetts service to which the member
29 would be entitled to receive credit if he remained in service to age
30 sixty-five, with a maximum credit for service in nonpublic schools
31 not to exceed ten years; provided, that no credit shall be allowed
32 and no payment shall be accepted for any service on account of
33 which the member shall be entitled to receive a retirement
34 allowance or other similar payment from the nonpublic school
35 system, the federal government or any other source. In addition to
36 the payment of such sum, or installments thereof, such member
37 shall also pay into the annuity savings fund an amount of interest
38 such that at the completion of such payments the value of his
39 accumulated payments, together with regular interest thereon,
40 actually made on account of such previous nonpublic school
41 service, shall equal the value of his accumulated regular deduc-
42 tions which would have resulted if regular deductions had been
43 made when regular compensation for such service was actually
44 received. Upon the completion of such payments, such member
45 shall receive the same credit for such period of his previous non-
46 public school service, or portion thereof elected, as would have
47 been allowed if such service had been rendered by him in a public
48 school of the commonwealth. Such member shall furnish the
49 board with such information as it shall require to determine the
50 amount to be paid and the credit to be allowed under this subdivi-
51 sion. At the time a retirement allowance becomes due to a member
52 or to a beneficiary under option (d) of subdivision (2) of section
53 twelve, if the Massachusetts service on the date either retirement
54 allowance becomes effective, or on the date the member attained
55 age sixty-five, whichever first occurs, is less than the service in
56 nonpublic schools for which the member has paid, credit shall be
57 allowed only for the most recent service rendered in nonpublic
58 schools equal to such Massachusetts service, and the amount paid
59 for additional service shall be refunded with accumulated interest,
60 refund to be made only when the retirement allowance becomes
61 due to the member or the beneficiary under option (d) of subdivi-

62 sion (2) of section twelve, and if it is found that payment has been
63 accepted for any service for which the member is entitled to a
64 retirement allowance from any nonpublic school system, the
65 amount paid for such service with accumulated interest shall also
66 be refunded with no retirement credit allowed.